

IN THE DRAWINGS

The attached sheet of drawings includes new Fig. 2.

Attachment: Replacement Sheet (1)

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 9-20 are pending in the present application. The specification is amended, Figure 2 is added, and Claims 9 and 17-20 are amended by the present amendment. Support for this Amendment can be found in the specification and claims as originally filed and at least at page 2, lines 13-32. No new matter is added.

In the outstanding Office Action, the specification was objected to; the drawings were objected to; and Claims 9-20 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,781,628 to Aplerovich.

### OJECTION TO THE SPECIFICATION

In response to the objection to the specification, the specification has been amended according to the Examiner's suggestions. Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

### OJECTION TO THE DRAWINGS

In response to the objection to the drawings, Figure 2 has been added, as suggested by the Examiner. Figure 1 has been maintained in current form because Applicant submits that Figure 1 shows features of the present invention and does not only show background art. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

### REJECTION UNDER 35 U.S.C. § 103

Claims 9-20 were rejected under 35 U.S.C. § 102(b) as anticipated by Aplerovich. Applicant respectfully traverses this rejection.

Amended Claim 9 recites, *inter alia*, a method for setting in a situation-dependent way a degree of security of cryptography functions which are used in at least one communication terminal including:

determining security parameters *in one communication terminal* based on current received situation-indicating parameters, the security parameters are associated *in the one communications terminal* with the respective situation-indicating parameters, and the security parameters include at least one of a length of cryptographic keys and a designation of cryptographic algorithms which are used by the cryptography functions and which determine a height of the *degree of security* of the cryptography functions.

Alperovich teaches a system for selectively restricting ciphering in wireless communications. According to Alperovich, a mapping function with a database including ciphering restrictions keyed to geographical or geopolitical areas is placed within components of a cellular or satellite-based system, e.g. within the MSc, V1.R, BSC or individual base stations.<sup>1</sup> Depending on the geographical or geopolitical area, the mapping function returns a Boolean value or a flag value, and the transmission mode is determined as "encryption permitted" or "encryption denied."<sup>2</sup> Thus, the ciphering restrictions in Alperovich are fixed for a specific geographical location.

Therefore, Alperovich does not disclose or suggest a method for setting in a situation-dependent way a degree of security of cryptography functions including "determining security parameters in one communication terminal based on current received situation-indicating parameters, the security parameters are associated in the one communications terminal with the respective situation-indicating parameters, and the security parameters include at least one of a length of cryptographic keys and a designation of cryptographic algorithms which are used by the cryptography functions and which determine a height of the degree of security of the cryptography functions," as recited in Claim 9.

This claimed feature allows the degree of security of cryptographic functions to be set situation-dependently and dynamically in the communication terminal. In addition, this claimed feature permits different degrees of security to be used for different services (e.g.

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<sup>1</sup> Alperovich at Column 3, lines 64-67 and Column 4, line 66 – Column 5, line 13.

<sup>2</sup> Alperovich at Column 5, lines 56-62.

financial services or e-mail services), different levels of service (e.g. transport level or application level), or different application of services (e.g. financial application or database application).<sup>3</sup>

Accordingly, Applicants respectfully request that the rejection of Claim 9 and each claim depending therefrom under 35 U.S.C. § 102(b) be withdrawn.

Although different in scope, independent Claims 17-18 recite, *inter alia*, “a degree-of-security-determining module in order to set in ***a situation-dependent way a degree of security*** of cryptography functions which are used in the communication terminal,” and independent Claims 19-20 recite, *inter alia*, that the communication terminal or the processor “***sets in a situation-dependent way a degree of security*** of cryptography functions used in the communication terminal.” Thus, it is respectfully submitted that independent Claims 17-20 patentably define over Alperovich.

Accordingly, Applicants respectfully request that the rejection of Claims 17-20 under 35 U.S.C. § 102(b) be withdrawn.

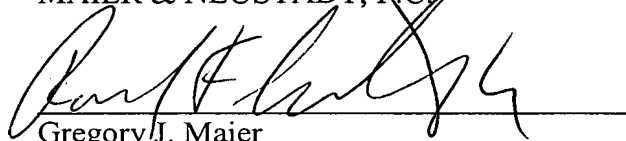
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<sup>3</sup> Specification at page 3, lines 4-12.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

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